69

A LETTER

FROM

A Gentleman in *Grayes-Inn*

TO

A Juſtice of the Peace in the Countrey.

EXPLAINING

The Act of *UNIFORMITY*

In that part which doth concern

UNLICENSED PREACHERS.

Printed in the Year, 1662.

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FROM

A Gentleman in Graves-Inn,

TO

A Justice of the Peace in the Country:

71

A LETTER FROM A Gentleman in *Grayes-Inn*, TO A Justice of the Peace in the Countrey.

Explaining

The Act for UNIFORMITY in that part which doth concern *Unlicensed Preachers*.

Honoured Sir,

YOurs of the 20th. instant, I did receive; I am glad to hear of your welfare, and cannot but be most ready to gratifie your desire in any thing within my power; you are pleased to require mine opinion concerning that part of the late *Act for Uniformity*, which doth impower Justices of the Peace to commit *Preachers* unto Prison upon the *Certificate of a Bishop*.

Sir, my private opinion can be of little weight; yet, your Request is to me a Command, and my Conjectures may point you unto more convincing expositions on the Act.

This Statute doth assign Imprisonment in two Cases, *Unlicensed School-Masters*, and *unlicensed Preachers*; the last is that concerning which you do enquire, and the branch of the Statute doth run thus:

And be it further Enacted by the Authority aforesaid, That if any person by this Act disa- *Pag.* 87.

bled to Preach any Lecture or Sermon, shall, during the time that he shall continue and remain so disabled, Preach any Lecture or Sermon, That then, for every such offence, the person or persons so offending, shall suffer three months Imprisonment in the common Gaole, without Bale or Main prize; and that any two Justices of the Peace of any County of this Kingdom, and the places aforesaid, and the Maior or other chief Magistrate of any City or Town Corporate within the same, upon Certificate from the Ordinary of the place, made to him or them of the offence committed, shall and are hereby required to commit the person or persons so offending to the Gaole of the same County, City, or Town corporate accordingly.

I shall not insist on the hardness of the Case, that men should be sent to Prison on a bare and blind Certificate, without any due and fair Conviction, or ever being heard in their own Defence: But on the serious view of this Clause, and consideration of this Act, mine opinion is this:

The Subject of this penalty, is not every Unlicensed Preacher, but only an *unlicensed*, and therefore *disabled*, *Lecturer*: Men might Preach as *Parsons* or *Vicars*, any constant or cursory occasional Sermon, and not be lyable to this Penalty; and if any of the Bishops shall make *Certificate* against any man so Preaching, the Justices have no Authority to commit them, or him, to Prison; but if a Justice of the Peace, or Maior of any Corporation, shall commit any person on such *Certificate*, the Prisoner may have his *Habeas Corpus*, and remedy against the Maior or Justices.

Sir,

Sir, That my opinion may not come to you naked, and without proof, be pleaſed to obſerve the reaſon on which I ground mine opinion.

The perſon ſhall be committed to priſon *for doing that which he was diſabled to do*; but the perſon is only diſabled to Preach any Lecture or Sermon, (*i. e.*) Lecture-Sermon.

Sir, This Law doth reſolve a threefold diſablement upon Miniſters.

1. Such who are not Epiſcopally Ordained, and do not in all things conform, are *diſabled* to hold any Living or Eccleſiaſtical promotion. *Pag.* 81.

2. The not Epiſcopally Ordained, conſecrating the Lords Supper, are *diſabled* to be made Prieſts for one whole year after. *Pag.* 81

3. Lecturers not Licenſed, as is directed, are *diſabled* to Preach any *Lecture or Sermon*; and the doing this after diſablement, is that which is puniſhable with *Three months Impriſonment.*

Now, Sir, that you may ſee *Lecturers*, Preaching, fixed, ſtated *Lecturers*, are the only perſons diſabled, and to be puniſhed, obſerve.

1. Miniſters, in all other Capacities, are compelled to Conformity by other *pains*; and their non-preaching is provided for by other Remedies: The law preſcribeth not two puniſhments for one offence; but there being a ſort of Miniſters under the notion of *Lecturers*, not barred by any preſcription to Parſons or Vicars; the Law maketh ſpecial proviſion againſt them, and this penalty compels them to Conformity, or puts them to Silence.

2. The perſons diſabled, and work to which they are diſabled, is beſt diſcovered by that appellation by which they are diſcriminated in the Statute, and that is not the name of *Miniſter*, *Preacher*, *Parſon*, or *Vicar*, who were all provided againſt in the foregoing part of the Law; but the name of *Lecturer*, which I obſerve, is affected,

and all along this part of the Statute, is uſed to predicate the perſon to be *diſabled*, and on doing what he is diſabled, to be *impriſoned* : It beginneth, *No perſon, ſhall be, or be received as a Lecturer*, or allowed to preach as a *Lecturer*; It proceedeth, *every perſon* licenſed, aſſigned or appointed, or received as a *Lecturer*; Again, ſo long as he continueth *Lecturer*; Again, it ſhall be ſufficient for the ſaid *Lecturer*; Again, the *Lecturer* then to Preach, this name doth note his office and work, to which he is diſabled (*viz.*) not ſimple *Preaching*, but *Lecturing*, or Preaching a Lecture.

3. The Qualifications, for defect of which he is diſabled can ſquare to no kind of Preacher, or Preaching, but to *Lecturers* Preaching *Lectures*, for he muſt

1. Be approved, and *thereunto* Licenſed; *Thereunto* is a Relative, which hath for its Antecedent, not *Perſon*, *Vicar*, or *Preacher*, but *Lecturer*, and *Lecture*: this is not only plain by the Gramatical Connexion of the words, but alſo by the expreſs tearms ſubjoyned; *Every perſon licenſed, aſſigned, appointed, or received as a Lecturer, to Preach on any day of the week*; Now, Sir, he is only diſabled to do that whereunto he is not licenſed.

2. This perſon is required, the *firſt time he preacheth*, to read Common-Prayer, and to declare his aſſent and conſent, and upon *every firſt Lecture day of every Month, ſo long as he continueth* Lecturer there, and for not doing the ſame he is diſabled to Preach *the ſaid, or any other Lecture, or Sermon*; the work to which he is diſabled, is a ſtated Service which hath beginning and continuance in return of time, not a curſory tranſient and occaſional Act.

3. The Lecturer then to preach muſt be preſent at the reading Common-Prayer *before he Preach his Sermon or Lecture.*

Now, Sir, if the defect of theſe Qualifications diſable, and ſo diſpoſe under the penalty, he that ſhall be thus puniſhed muſt be a perſon capable of theſe Qualifications, and that is none but a ſtated *Lecturer*.

Sir, I do not find the leaſt ground for any Objection againſt

gainſt my opinion, ſave only in this, that the word (*Sermon*) is uſed in the Statute: and in this proviſion of the penalty; and unto this, I anſwer;

1. *Sermon* is never uſed alone, and by it ſelf, but ever conjunct with Lecture, and incloſed in the ſame Comma; but when the Printers miſtake is viſible.

2. Sermon is joyned to Lecture with this diſcretive (*or*) not disjunctively, but exegetically, to explain the tearm *Lecture*; and hereof there is good Reaſon; for *Lecture* properly ſignifieth a *Reading*, but hath been in Vulgar acceptation referred unto, and performed by, Preaching: That therefore the Law might not be evaded by an equivocal tearm, the vulgar appellation *Lecture* is explained by the mode of performance, *Lecture* or *Sermon*, and that Sermon is thus exegetical, is evident by theſe Obſervations.

1. The Preacher hereby diſabled is throughout this part of the Law, prædicated a *Lecturer*, and not known by any other appellation whatſoever.

2. The qualifications before noted, do ſquare with no kind of Preaching or Preacher, but *Lecturer* Preaching a *Lecture-Sermon*.

3. Preaching or Reading are expreſly mentioned as the ſpecifical Acts, of the *Lecturers Lecturing*. So in the firſt Clauſe which relateth thereunto, *None ſhall be, or be received as a Lecturer, allowed to preach as a Lecturer, or to preach or read any Lecture, or Sermon, (i. e.)* any way ſpeak openly any Lecture-Sermon; for Lecture is the *Genus*, exiſting in the Species of Reading or Preaching. Pag. 85.

4. Preaching is often expreſſed to be the only act of the Lecturer, it may therefore well be called a *Sermon*: the Statute ſaith expreſly, Every perſon licenſed, aſſigned, appointed, a *Lecturer to Preach*, ſhall the firſt time he *preacheth*, ſo long as he continueth *Lecturer* or *Preacher*. Pag. 86.

5. Lecture or Sermon are ſo conjoyned in the Qualifications preſcribed, they muſt be Synonimous, and convertible, and exegetical, cannot be disjunctive, thus; it is mentioned, the *place appointed for his Lecture or Sermon*; the reading

ing Common-Prayer at the time of the day when his *Lecture or Sermon is to be preached*, and declare his assent and consent before his *Lecture or Sermon*: Now, Sir, they cannot be disjunctive in the disablement, which are apparently exegetical in the required Qualifications.

6. Preaching or Reading are expressed to be the different acts of Lecturing in Cathedral, Collegiate, and University Churches or Chappels, though Preaching is retained as the Lecturing Act in common and ordinary Lectures. So that there was great and just cause to connex Sermon to Lecture, in directing a Lecture-Sermon.

Sir, These things considered, you cannot but see mine opinion is grounded on the plain and clear interpretation of the Law; So, that if any Bishops Certificate reduce you into the *Dilemma*, you will hereby direct your course, to commit *Preaching Lecturers*, but pass by and leave at liberty all other *Preachers* whatsoever, as those; for Commitment of whom you have no Authority. And so doing, which you cannot but be sure all the Judges will determin against you. I am Sir

Octoler, 30th 1662.

Your Servant to Command

F. A.